G. R. S. 58
Previous references.

File No. 284

1910

Serial Nos.

(Brass.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B. for

SUBJECT.

Cancelment of the attachment by civil Court of certain Siam villages belonging to the Sri Sivaganga Math.

GPB . 8,000—7-4-07

Pet

No. 670 383

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

Camp Reqd.

The accompanying Petition No. 516/115 dated 11th October 93 received at the Dewan's Office from Malamundre Honna Jois, Gouzodhara sastry and others of Sivaganga praying that the villages and lands belonging to the Shivaganga Mutt may be taken under the direct management of Government, as they are very badly managed at present. is forwarded together with its enclosures, to the is transferred to the Amrai Superintendent in Mysore.

Def as 10/11/93

By Order,

M Narain Rao

for Chief Secretary

BANGALORE, 30 Oct 1893 8/11

Sanctd

S V B.

M. G. C. P. Bangalore—17 11 93—3,000.

(General Serial No 30)

189 471

From The Dy Commissioner
Bangalore District

To

The ~~Chief~~ Secretary to the Dewan
of Mysore.
Inspection Department

Dated 24th
Despatched 27 } December 93
Received 28-12-93

Enclosures No. 1

General No.
D No. 706

In reply to Govt Pro No 499 dt 11-11-93
M 736-93

SUBJECT.

Submits for orders letter from Sub Judge regarding the cancelment of the attachment of certain Inam villages belonging to the Suragunga Math.

28/12/93

Refer to the Chief Secretary to Government

28/12/93

Refer to the Chief Secretary to Government

31/12/93

References (to be entered only in the Dewan's Office).

Dy Commissioner's Office
Bangalore District
Dated 21st December 93

D No 706
m 1

To

The Secretary to the Government
of Mysore
Mazrai Department.

Sir

In reference to the Proceedings of the Government No 499 m7 36-93 dated 11th November 93, requiring me to make officially to the Sub Judge to the effect that the villages attached by him are unalienable being Inam villages attached to the Sivaganga Mutt, I have the honor to state that I have, as required above, written to the Sub Judge, whose letter I herein enclose for orders. I think the Sub Judge is right and if it is the intention of the Government that the attachment should be cancelled it can be only be done by one moving the Court to that effect in Judicial form, as I at first proposed.

I have the honor to be

Sir

Your most obedient servant

M Laing Gleason

for Dy Commissioner

579 93/94

H. R. No. 1478
Bangalore Subjudges
Court. 5th December 93.

To,

The Deputy Commissioner
Bangalore.

Sir,

With reference to your R No. 1898 of the 2nd instant I have the honor to state that I cannot understand what action it is the intention of Government that this Court should take on the information conveyed in the copy of the Proceedings communicated with it.

2. With due deference, I beg to submit that a Court is precluded from taking notice of any such communication unless the matter is heard in open Court and after due notice to the parties concerned. I would therefore

therefore request that if you
deem it necessary, you may
apply to Government for further
instructions as to what is to be
done in the matter, and communi-
cate them to this court in
due course. Some claim could
connected with this attachment
be noted for hearing in 2nd
January 1893

I have the honor to be
Sir
Your most obedient servant

Benjamin Magee
Subject

Esq

Read:-

Correspondence ending with letter D No. 706. dated the 21st December 1893 from the Dy. Com.r. Bangalore Dt. regarding the attachment of certain Devadaya Inam villages belonging to the Siva Ganga Mutt in the Nelamangala Taluk. by the Sub-Judge's Court Bangalore. in Satisfaction of a Civil decree:-

Order thereon

With reference to the above the

Government observe that the rules laid down in the Chief Commissioner's Notification dated the 17th November 1877 having received the Sanction of the Government of India have the force of law in this Province, and they strictly prohibit alienations of all kinds of Inam lands granted to religious and Charitable institutions.

In accordance with the Spirit of these rules ~~obtained in this Province~~, the Inam Villages in question

are not liable
to attachment
or other processes
in satisfaction of
judicial decrees.

2. The Government
therefore resolve to
re-publish the following
Notification of the
late Chief Commrs.
for general informa-
tion and guidance.

A.I
Secretary

To
The Dy. Commrs., Bangalore
~~Informing the Residency~~
The Dy. Commrs of other Dts

The Notfn. of the 17th Nov. 77
& the Appendix hereto
in extenso.

Bangalore, 1914

Ltr. for approval.

Aug 10/94

To Lt Jamison [illegible]

Proceedings of the Government of His Highness the Maharaja of Mysore, (Muzarayi),—dated 16th January 1894.

MUZARAYI.

No. 741-50—Muz. F. 60-93, dated, Bangalore, 16th January 1894.

Order.—The Government resolve to re-publish for general information the following Notification of the late Chief Commissioner embodying the rules sanctioned by the Government of India on the subject of unauthorized alienations of Inam lands assigned to religious and charitable institutions.

A. SREENIVASSACHARLU,
Secretary.

To—The Deputy Commissioners of Districts.
The Palace Controller, Mysore.
The Inam Superintendent in Mysore.

NOTIFICATION.

The 17th November 1877.

No. 266.—Under the sanction of the Government of India, conveyed in their letters Nos. 89 R. and 105 R., dated 13th September and 29th October 1877, respectively, the following rules providing for the restoration of Inam lands unauthorizedly alienated from the religious or charitable institutions to which they were originally assigned, are published for general information :—

I. All Inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be confirmed and continued to them, so long as the conditions of the grant are duly fulfilled.

II. Whenever it is found that such lands are diverted from the object for which they were granted, by means of sale, gift, mortgage or otherwise, the following rules shall be observed :—

A. Where such alienations were made prior to the 31st January 1853 but within 50 years computing the period of possession up to 14th December 1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a jodi of one-half the assessment; the jodi or assessment so imposed being payable direct to the institution from which they were alienated.

B. In the case of alienations made subsequent to 31st January 1853, a notice will be issued to the alienee or alienees requiring him or them to restore the lands to the institution to which they belong, within 6 months from the date on which the notice is served on the alienee or alienees, or his or their agent or manager who may be in charge of the lands, and on default of compliance, the lands will be summarily resumed and restored to the institution by the Revenue authorities under instructions from the Inam Superintendent.

C. In the case of a simple mortgage or hypothecation of the Inam lands, without possession, the transaction will be declared null and void in so far as it is intended to create a lien on the lands or to treat them as security for the loan advanced.

III. Lands held for 50 years and upwards, with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title-deed granted by the Inam Department to the religious institutions.

IV. The alienations, whether made in favor of disciples of the institutions or others unconnected with it, will be treated alike, and disposed of under these rules.

By Order,
T. CLARKE,
Secretary.

Exd.—M.A.